

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF MISSOURI**

In the matter of the Application of	)	
<b>Phone1, Inc.</b>	)	
for a Certificate of Authority	)	Case No. _____
To Provide Competitive Intrastate Interexchange	)	
Telecommunications Service in Missouri	)	
_____	)	

**APPLICATION**

COMES NOW Phone1, Inc. ("Phone1" or "Applicant"), and respectfully requests a Certificate of Service Authority to provide competitive intrastate interexchange and operator assisted telecommunications services between and among locations within the state of Missouri pursuant to Section 392.440 RSMo (2000)<sup>1</sup>, an order classifying Applicant as a competitive telecommunications carrier, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.440, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.420. In support of its request, Applicant provides the following information:

1. Phone1, Inc. was incorporated on December 6, 2000 under the laws of the State of Florida. Its principal office is located at:

Phone1, Inc.  
100 North Biscayne Boulevard, 25th Floor  
Miami, Florida 33132  
Phone: 305-371-3300  
Fax: 305-371-4886  
Toll-Free: 866-674-6631

A copy of Applicant's Articles of Organization and Certificate of Authority to transact business in Missouri are attached hereto as Exhibit I and incorporated herein by reference.

<sup>1</sup> All statutory references are to revised statutes of Missouri, 2000, unless otherwise noted.

2. Phone1 provides operator-assisted services to transient customers of aggregator locations such as pay telephones. The company requests authority to provide such communications service for calls originating and terminating within the State of Missouri. The Company's services are available twenty-four (24) hours per day, seven (7) days a week. Intrastate service is offered in conjunction with interstate service. The Applicant's tariff contains the rules and regulations applicable to its customers, a description of the services offered and a list of rates associated with those services. The Applicant's tariff is filed simultaneously with this application showing a forty-five (45) day effective date.
3. Phone1's statutory representation in the state of Missouri is:

National Registered Agents  
300 B- East High Street  
Jefferson City, MO 65101
4. Phone1 intends to provide resold long distance telecommunications service seven days a week on a twenty-four (24) hour a day basis, originating and terminating throughout the state of Missouri.
5. Phone1 possesses managerial and technical expertise to provide intrastate interexchange telecommunications services.
6. Phone1 has ample financial resources to operate as a telecommunications reseller.
7. Phone1's tariff, which contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services, is being filed simultaneously with this application showing a forty-five (45) day effective date.
8. Phone1 requests classification as a competitive telecommunications company operating within the state of Missouri. Phone1 further requests classification of services described in the Applicant's tariff as competitive services.

9. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200.
10. Applicant, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.
11. The Applicant will Phone1 will provide operator-assisted services for communications originating and terminating within the State of Missouri. In addition, the company will provide presubscribed direct dial service to payphones, which will allow end users to complete calls from those payphones after insertion of required coins. Applicant proposes to conduct its operator services within the guidelines determined in rulemaking Docket TX-91-129, or according to subsequent rules for policies established for the State of Missouri. Specifically:
  - All calls are branded before call charges are incurred;
  - Rates, billing method and complaint resolution procedures are disclosed upon request. This service is available at no charge, 24 hours per day.
  - Traffic aggregators are obligated by contract and tariff to display and notice information that complies with FCC rules and applicable state requirements.
  - Traffic aggregators are obligated by contract and tariff to provide access to alternative operator service providers.
  - Where the local exchange carrier has the capability of identifying multiple carriers, Applicant is identified on the end user bill.
  - No location surcharges are collected by Applicant for intrastate Missouri calls.
  - Applicant does not intercept or route 011 calls. These calls complete directly through the serving local exchange carrier. Applicant routes emergency 0- and 00- calls efficiently to the appropriate emergency agency in locations where it handles such calls.

Applicant's carrier uses reliable answer detection techniques and Applicant will not knowingly bill for incomplete calls. If for any reason a caller believes he or she has been charged for an uncompleted call, Applicant will issue credit for the charges under all reasonable circumstances.

12. Correspondence or communications pertaining to this application should be addressed to:

James M. Fischer  
**Fischer & Dority, P.C.**  
101 Madison Street, Suite 400  
Jefferson City, MO 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383  
E-Mail: [jfischerpc@aol.com](mailto:jfischerpc@aol.com)

13. Applicant also respectfully requests, pursuant to Section 392.420, that the Commission suspend, waive or modify the application of the following rules and statutory provisions as they relate to the regulation of the applicant:

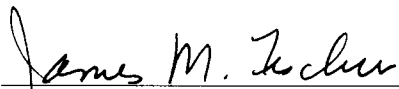
4 CSR 240-10.020	--	Depreciation fund income
4 CSR 240-3.545(2)(C)	--	Posting of exchange rates at central operating offices
4 CSR 240-30.040	--	Uniform system of accounts
4 CSR 240-33.030	--	Inform customers of lowest price
Section 392.210.2	--	Uniform System of Accounts
Section 392.240(1)	--	Just & Reasonable Rates
Section 392.270	--	Property valuation
Section 392.280	--	Depreciation rates
Section 392.290	--	Issuance of securities
Section 392.300.2	--	Acquisition of Stocks
Section 392.310	--	Issuance of stocks and bonds
Section 392.320	--	Stock dividends
Section 392.330	--	Issuance of securities, debt and notes
Section 392.340	--	Reorganization

The above referenced rules and statutory provisions have been waived with regard to other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

14. Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.
15. Applicant has no pending actions of final unjustified judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application.
16. Applicant submits that the public interest will be served by Commission approval of the Applicant's application because the proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996, and Chapter 392, RSMo 2000. Prompt approval of Applicant's application will also expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

WHEREFORE, Phone1, Inc., respectfully requests that the Commission grant it a certificate of authority to offer competitive intrastate interexchange telecommunications service within the state of Missouri; an order classifying it as a competitive telecommunications company providing competitive service; an order suspending, waiving or modifying the above referenced rules and statutory provision as they relate to the regulation of the Applicant in the state of Missouri, and for such further orders as the Commission deems appropriate.

Respectfully submitted,



James M. Fischer MBN#27546

**Fischer & Dority, P.C.**

101 Madison Street, Suite 400

Jefferson City, MO 65101

Telephone: (573) 636-6758

Facsimile: (573) 636-0383

E-Mail: [jfischerpc@aol.com](mailto:jfischerpc@aol.com)

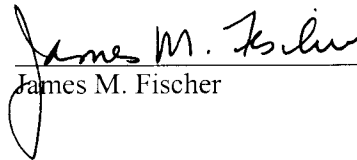
ATTORNEY FOR APPLICANT

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was emailed, hand- delivered or mailed, postage prepaid, this 14<sup>th</sup> day of October, 2004 to:

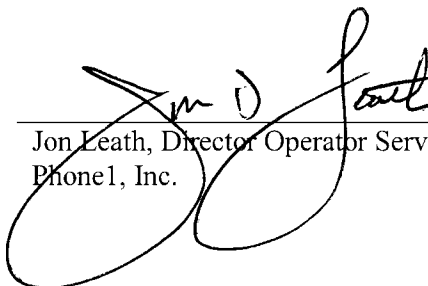
Office of the Public Counsel  
P.O. Box 3320  
Jefferson City, MO 65102

Dana K. Joyce, General Counsel  
Missour Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

  
\_\_\_\_\_  
James M. Fischer

# VERIFICATION

I, Jon Leath, first being duly sworn upon oath depose and say I am Director Of Operator Services/Regulatory of Phone 1, Inc., a Florida Corporation; that I have read the above and foregoing petition by me subscribed and know the contents thereof, that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

  
\_\_\_\_\_  
Jon Leath, Director Operator Services/Regulatory  
Phone1, Inc.

State of Florida)  
County of Miami-Dade)

Subscribed and sworn before me this 16 day of July 2004 by Jon Leath  
who is personally known to me.



(NOTARY PUBLIC)

My Commission expires on: \_\_\_\_\_



Kosta Kreiman  
Commission # DD 010651  
Expires March 19, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.



**EXHIBIT I**

**PHONE 1, INC.**

**Articles of Organization**

**and**

**Certificate of Authority to Transact Business in Missouri**

ARTICLES OF INCORPORATION

OF

PHONE1, INC.,  
a Florida Corporation

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS

00 DEC -7 PM 5:18

ARTICLE I

NAME

The name of this corporation is Phone1, Inc. and its principal and mailing address is 600 Brickell Avenue, Suite 206E, Miami, Florida 33131.

ARTICLE II

NATURE OF BUSINESS

This Corporation is being formed for the following purposes:

- a. To engage in any and all lawful business or activity permitted under the laws of the United States, and the State of Florida;
- b. To generally have and exercise all powers, rights and privileges necessary and incident to carrying out properly the objects herein mentioned; and
- c. To do anything and everything necessary, suitable, convenient or proper for the accomplishment of any of the purposes or the attainment of any or all of the objects hereinbefore enumerated or incidental to the purposes and powers of the corporation or which at any time appear conducive thereto or expedient.

ARTICLE III

TERM OF EXISTENCE

This Corporation shall have perpetual existence unless sooner dissolved in accordance with the laws of the State of Florida. The date on which corporate existence shall begin is the date on which these Articles of Incorporation are filed with the Secretary of State of the State of Florida.

#### ARTICLE IV

##### CAPITAL STOCK

This Corporation is authorized to issue one thousand (1,000) shares of common stock, \$0.001 par value, which shall be designated "Common Stock".

#### ARTICLE V

##### INITIAL REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the Corporation is: 1201 Hays Street, Tallahassee, Florida 32301, and the name of the initial registered agent of this Corporation at that address is Corporation Service Company.

#### ARTICLE VI

##### INITIAL BOARD OF DIRECTORS

The Corporation shall have one (1) initial director. The number of directors may be either increased or diminished from time to time by the By-Laws, but shall never be less than one. The name and address of the initial director of this Corporation is:

Dario Echeverry  
600 Brickell Avenue  
Suite 206E  
Miami, Florida 33131

#### ARTICLE VII

##### AMENDMENTS TO ARTICLES OF INCORPORATION AND BY-LAWS

This Corporation reserves the rights to amend or repeal any provisions contained in these Articles of Incorporation or any amendments hereto and any right conferred upon the shareholders is subject to this reservation. Further, the power to adopt, alter, amend or repeal the By-Laws shall be vested in the Board of Directors of this Corporation.

## ARTICLE VIII

### INDEMNIFICATION

This Corporation shall indemnify and may advance expenses to any and all of its directors, officers, employees or agents or former directors, officers, employees or agents or any person or persons who may have served at its request as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise in which it owns shares of capital stock or of which it is a creditor, to the full extent permitted by law. Said indemnification shall include, but not be limited to, the expenses, including the cost of any judgments, fines, settlements and counsel's fees, actually and necessarily paid or incurred in connection with any action, suit or proceedings, whether civil, criminal, administrative or investigative, and any appeals thereof, to which any such person or his legal representative may be made a party or may be threatened to be made a party, by reason of his being or having been a director, officer, employee or agent as herein provided. The foregoing right of indemnification shall not be exclusive of any other rights to which any director, officer, employee or agent may be entitled as a matter of law or which he may be lawfully granted.

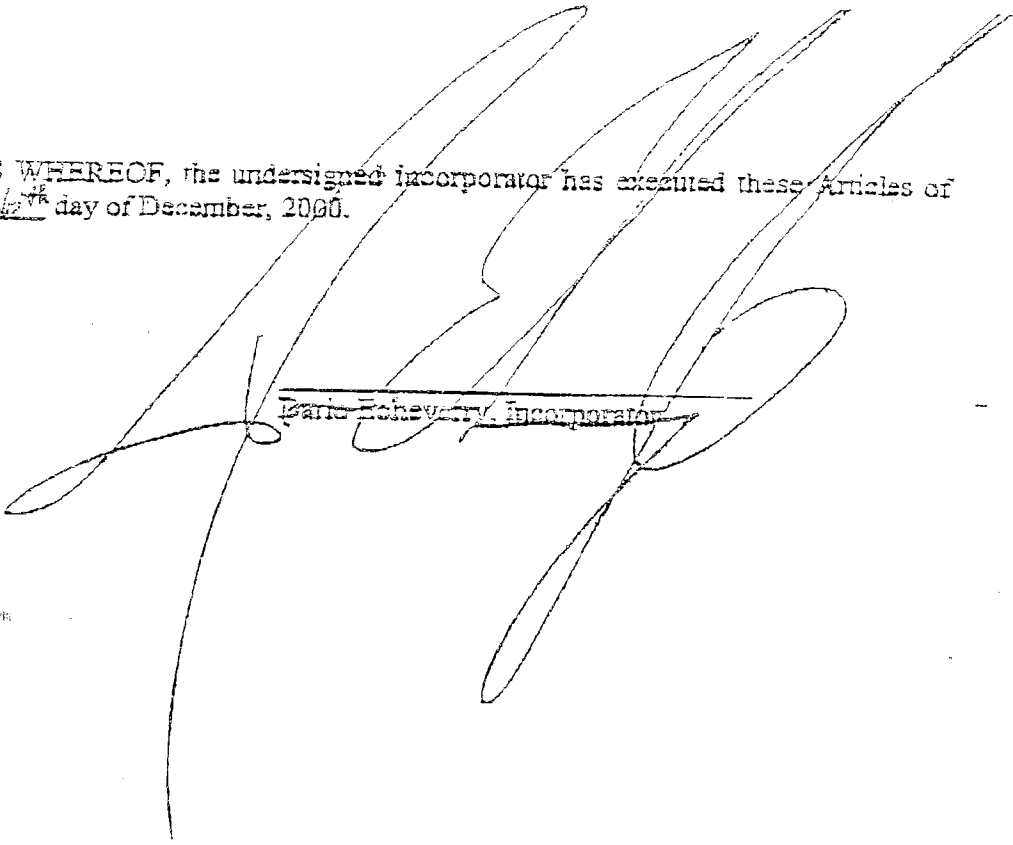
## ARTICLE IX

### INCORPORATOR

The name and address of the person signing these Articles is:

Dario Echeverry  
600 Brickell Avenue  
Suite 206E  
Miami, Florida 33131

IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles of Incorporation on this 12<sup>th</sup> day of December, 2000.

  
Mario Echeverry, Incorporator

CERTIFICATE DESIGNATING THE ADDRESS AND AN AGENT UPON  
WHOM PROCESS MAY BE SERVED


WITNESSETH

That Phonet, Inc. desiring to organize under the laws of the State of Florida, has named Corporation Service Company as its agent to accept service of process within this state.

ACKNOWLEDGEMENT:

Having been named to accept service of process for the above-stated corporation, at the place designated in this certificate, I hereby agree to act in this capacity, and I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I accept the duties and obligations of Section 607.0505, Florida Statutes.

Dated this 9<sup>th</sup> day of December, 2000.

  
\_\_\_\_\_, Registered Agent  
BRIAN COURTNEY, ASST. VP

PM FO  
SECRETARY OF STATE  
DIVISION OF CORPORATE AFFAIRS  
00 DEC -7 PM 5:18

No. F00519366

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

## CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHERRAS,  
PHONE1, INC.

using in Missouri the name  
PHONE1, INC.

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of FLORIDA.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 19th day of MARCH, 2003.



\$155.00

*Matt Blunt*  
Secretary of State



Corporations Division  
P.O. Box 778, Jefferson City, MO 65102

State of Missouri  
Matt Blunt, Secretary of State  
James C. Kirkpatrick State Information Center  
600 W. Main Street, Rm 322, Jefferson City, MO 65101

FILED

Application for Certificate of Authority  
For a Foreign For-Profit Corporation  
(Submit in duplicate with filing fee of \$135.00)

MAR 19 2003

*Matt Blunt*  
SECRETARY OF STATE

1. The corporation's name is Phone1, Inc.  
and it is organized and existing under the laws of Florida.
2. The name it will use in Missouri is \_\_\_\_\_
3. The date of its incorporation was 12/7/00 and the period of its duration is perpetual  
month/day/year
4. The address of its principal place of business 100 North Biscayne Blvd., 25th Floor, Miami, Florida 33132  
Address City/State/Zip
5. The name and address of its registered agent and office in the State of Missouri is  
Business Filings Incorporated 2510 S. Brentwood, Suite 302, St. Louis, Missouri 63144  
Name Address City/State/Zip
6. The specific purpose(s) of its business in Missouri are:  
All Lawful Business
7. The name of its officers and directors and their business addresses are as follows:  

(Officers)	Name	Address	City/State/Zip
President	<u>Dario Echeverry</u>	<u>100 North Biscayne Blvd., 25th Floor,</u>	<u>Miami, FL 33122</u>
Vice President	_____	_____	_____
Secretary	<u>Dario Echeverry</u>	<u>100 North Biscayne Blvd., 25th Floor,</u>	<u>Miami, FL 33122</u>
Treasurer	_____	_____	_____
(Board of Directors)			
Director	<u>Dario Echeverry</u>	<u>100 North Biscayne Blvd., 25th Floor,</u>	<u>Miami, FL 33132</u>
Director	<u>Syed Nagvi</u>	<u>100 North Biscayne Blvd., 25th Floor,</u>	<u>Miami, FL 33132</u>
Director	_____	_____	_____
8. The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows:  
(Date may not be more than 90 days after the filing date in this office)  
in affirmation thereof, the facts stated above are true.  

<u>Dario Echeverry</u>	<u>President and CEO</u>	<u>12/23/02</u>
<small>(Must be an Officer or Chairman listed in #7, above)</small>	<small>(Printed Name)</small>	<small>(Title) (Date)</small>

Note: You must submit current original certificate of good standing or certificate of existence with this application. This may be obtained from your Secretary of State or other authority that issues corporate charters.